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SENATE

{ REPORT
No. 91-950

ALFREDO CAPRARA

JUNE 24, 1970.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary,
submitted the following

REPORT

[To accompany H.R. 1695]

The Committee on the Judiciary, to which was referred the bill (H.R. 1695) for the relief of Alfredo Caprara, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provision of existing law relating to one who is mentally defective in behalf of the son of a U.S. citizen. The bill provides for the posting of a bond as assurance that the beneficiary will not become a public charge.

STATEMENT OF FACTS

The beneficiary of the bill is a 12-year-old native and citizen of Argentina, who resides in that country with his grandparents. He has been denied a visa as one who is mentally defective. The beneficiary's parents and a brother entered the United States for permanent residence in June 1960, and the father is now a U.S. citizen. Three sons have since been born in the United States to the parents of the beneficiary. The beneficiary's father has taken a life insurance policy in behalf of the beneficiary in the amount of \$30,000.

A letter, with attached memorandum, dated November 9, 1967, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturali-

zation with reference to H.R. 12728, which was a similar bill pending in the 90th Congress for the relief of the same beneficiary, reads as follows:

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D.C., November 9, 1967.

A-17794380.

HON. EMANUEL CELLER,
*Chairman, Committee on the Judiciary,
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H.R. 12728) for the relief of Alfredo Caprara, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Detroit, Mich., office of this Service, which has custody of those files.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who are afflicted with psychopathic personality, or sexual deviation, or a mental defect, and would authorize the issuance of a visa to the beneficiary and his admission to the United States for permanent residence, if he is otherwise admissible under that act. It would also require that a bond be deposited to insure that he shall not become a public charge. The bill also limits the exemption granted the beneficiary to a ground for exclusion known to the Department of State or the Department of Justice prior to the date of its enactment.

Sincerely,

RAYMOND F. FARRELL,
Commissioner.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND
NATURALIZATION SERVICE FILES RE H.R. 12728

The beneficiary, Alfredo Caprara, a native and citizen of Argentina, was born October 5, 1957. He resides in Buenos Aires, Argentina, with his grandparents. He has never attended school because of his mental condition.

The beneficiary's father, Domenico Caprara, entered the United States as a permanent resident on June 11, 1960, accompanied by Mrs. Caprara and their son, Armando. He became a U.S. citizen on November 23, 1965. The beneficiary's mother and brother are lawful resident aliens. He also has three brothers who were born in the United States. His father is employed as a plumber's foreman at \$4 per hour. The family has a \$3,000 equity in their home and have other assets totaling \$3,000.

According to Domenico Caprara, the American consulate at Buenos Aires, Argentina, denied the beneficiary a visa in 1960 because he was mentally retarded. In February 1966, his father made an application to the consulate for a waiver of the ground of excludability on behalf of the beneficiary. The decision of the consulate is not known. The committee

may desire to request the Bureau of Security and Consular Affairs, Department of State, to secure information in this connection.

The Department of State submitted the following reports on the bill dated January 11, 1968, and March 14, 1969, on the bills, H.R. 12728, 90th Congress and H.R. 1695, 91st Congress, respectively, to the chairman of the Committee on the Judiciary of the House of Representatives:

DEPARTMENT OF STATE,
Washington, D.C., January 11, 1968.

HON. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: In reference to your request for a report concerning the case of Alfredo Caprara, beneficiary of H.R. 12728, 90th Congress, introduced by Mr. Dingell, there is enclosed a memorandum of information concerning the beneficiary. This memorandum has been submitted by the American Embassy at Buenos Aires, Argentina, in whose consular jurisdiction the beneficiary resides.

The bill would waive the provision of the Immigration and Nationality Act which excludes aliens who are afflicted with a mental defect and would provide for visa issuance and the beneficiary's admission into the United States for permanent residence if he is otherwise admissible. The relief granted is limited to a ground for exclusion known to the Department of State or the Department of Justice prior to enactment of the act. The bill further provides for the posting of a bond pursuant to section 213 of the act.

The beneficiary is classifiable as a special immigrant.

Sincerely yours,

H. G. TORBERT, Jr.,
Acting Assistant Secretary
for Congressional Relations.

[Submitted by the American Embassy at Buenos Aires, Argentina]

MEMORANDUM OF INFORMATION CONCERNING H.R. 12728 for
THE RELIEF OF ALFREDO CAPRARA

Alfredo Caprara was born at Senador-Moron, Bella Vista, Province of Buenos Aires, Argentina, on October 3, 1957. He is presently residing with relatives at Moron, Argentina.

Alfredo Caprara was found to be ineligible for a visa under section 212(a) (1) and (4) of the Immigration and Nationality Act. The basis for this finding was a series of medical examinations begun in April of 1961 and completed on September 29, 1961. These examinations followed a request for a visa in his behalf, so that he could join his parents and brother who were already residing in the United States as immigrants. Alfredo Caprara was found to be mentally deficient with a mental development of 15 months of age, and little chance for improvement. Copies of the medical reports are attached.

An application for a waiver under section 212(g) of the act was submitted to the Immigration and Naturalization Serv-

ice on January 31, 1966, by Alfredo Caprara's father, Domenico Caprara, who had become a naturalized citizen of the United States on November 23, 1965. Medical examinations completed on May 15, 1966, in connection with the waiver application resulted in a finding of severe mental retardation with a mental age of 1½ years. It was determined that the patient was suffering from chronic brain syndrome with left hemiparesis and epileptic attacks. The U.S. Public Health Service reviewed this diagnosis, and on December 6, 1966, concurred in the finding that Alfredo Caprara remained ineligible under 212(a)(4) of the act. He is, therefore, ineligible for a waiver under section 212(g) of the act.

DEPARTMENT OF STATE,
Washington, D.C., March 14, 1969.

HON. MICHAEL A. FEIGHAN,
Chairman, Subcommittee No. 1, Committee on the Judiciary, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: At the private bill hearing of your subcommittee on March 4, 1969, the case of Alfredo Caprara, beneficiary of H.R. 1695, was deferred pending the submission of a current report on the beneficiary's mental condition.

The American Embassy at Buenos Aires, Argentina, has furnished the enclosed copy of the report of the examination of the beneficiary on February 13, 1969, by a doctor on the Embassy's panel of physicians. Also enclosed for the committee's information are a copy of a report of a prior examination on May 15, 1966, and a copy of a letter from the U.S. Public Health Service indicating that the beneficiary is ineligible to receive a visa under section 212(a)(4) of the Immigration and Nationality Act.

Sincerely yours,

WILLIAM B. MACOMBER, Jr.,
Assistant Secretary for Congressional Relations.

Enclosures: As stated.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
PUBLIC HEALTH SERVICE,
Staten Island, N.Y., December 6, 1966.

ELMER E. YELTON,
*American Consul General,
Embassy of the United States of America,
Buenos Aires, Argentina.*

DEAR MR. YELTON: The medical report on Alfredo Caprara, which you submitted for review, indicates a mental or brain defect for which he is appropriately classified as excludable under section 212(a)(4). Neurological and physical findings such as left hemiparesis, generalized spastic movements, and sphincter incontinence support this classification. As such he is not eligible for waiver under provisions of section 212(g), as you know.

Cases of mental retardation to be classified under section 212(a)(1) "Mental retardation," and eligible for waiver consideration, should be uncomplicated by other evidence of brain defect resulting in physical disability such as evidenced in this child.

Please accept my apology for being slow in replying. I am still catching up on work that accumulated during a fall trip away from the office.

Sincerely,

RAY H. VANDERHOOK, M.D.,
USPHS Reviewing Medical Officer,
Medical Director, USPHS.

The medical reports referred to in the above reports are contained in the files of the Committee on the Judiciary of the House of Representatives.

Congressman John D. Dingell, the author of the bill, appeared before a subcommittee of the Committee on the Judiciary of the House of Representatives and testified in support of the bill, as follows:

Mr. Chairman and members of the subcommittee, for the record, my name is John D. Dingell and I am a Member of Congress from the 16th District of Michigan. I wish to thank the chair and the subcommittee for the privilege of testifying in support of the bill H.R. 1695, which I introduced for the relief of Alfredo Caprara.

Alfredo Caprara was born on October 5, 1957, to Mr. and Mrs. Domenico Caprara who were then residents of Argentina. Mr. Domenico Caprara entered the United States as a permanent resident on June 11, 1960, accompanied by Mrs. Caprara and their son, Armando. Three additional sons were born in the United States. Domenico Caprara, who became a U.S. citizen on November 23, 1965, now resides at 5147 Hartwell Street, Dearborn, Mich., and is a constituent of mine.

Domenico Caprara has attempted on more than one occasion to obtain a visa for his son, Alfredo, but in each case it has been denied because Alfredo has been judged to be mentally retarded.

While I generally agree with the provision of the Immigration and Nationality Act which excludes aliens who are afflicted with a mental defect, I believe that the provision should be waived in the case of Alfredo Caprara. In summary, my reasons for so believing are as follows:

(1) Mr. and Mrs. Caprara have demonstrably shown that they desire to fulfill their obligations as parents to all of their children. With regard to Alfredo, this can be done only if he lives with his parents.

(2) Domenico Caprara is a foreman in charge of plumbers at a major hospital and had an income in excess of \$11,000 during 1968. He and his family are covered by hospital and medical insurance.

(3) Mr. and Mrs. Caprara live in a fine residential community and have a substantial equity in their home.

(4) Domenico Caprara has taken out a life insurance policy with the Metropolitan Life Insurance Co. in the amount of \$30,000, naming his son, Alfredo, as beneficiary. It is his expressed intention to maintain this policy in force for so long as his son lives.

Congressman Dingell also submitted the following affidavit made by the beneficiary's uncle, referred to in the above statement:

AFFIDAVIT OF GIUSINO CAPRARA

STATE OF MICHIGAN,
County of Wayne, ss.:

Giusino Caprara, being first duly sworn, deposes and says:

1. That he resides at 6552 Theisen Street, Dearborn, Michigan; and that he has resided at said residence for a period exceeding twenty-five (25) years.

2. That he and his wife, Eleanora Caprara, own their own home at 6552 Theisen Street, Dearborn, Michigan, free and clear of any lien, mortgage, or other encumbrance.

3. That he and two partners own the Canton Tavern at 39651 Michigan Avenue, Wayne, Michigan, in which he has had a principal interest for approximately seventeen years; that said business is free and clear of any lien, mortgage, or other encumbrance.

4. That deponent's annual income exceeds twelve thousand (\$12,000.00) dollars per year.

5. The deponent has savings accounts at the Bank of Dearborn and the Manufacturer's Bank of Detroit, the balance of which exceeds twenty-five thousand (\$25,000.00) dollars.

6. That deponent is the uncle of Alfredo Caprara.

7. That in the event that either Dominic Caprara or Mary Caprara, Alfredo Caprara's parents, should die, deponent will assume complete financial responsibility and physical care of said Alfredo Caprara as if he were deponent's own child; so that under no circumstances could said Alfredo Caprara become a public charge.

GIUSINO CAPRARA.

Subscribed and sworn to before me this 5th day of July 1968.

CALVIN KLYMAN,
Notary Public, Wayne County, Mich.

Congressman Dingell also submitted the following information to the chairman of the Senate Committee on the Judiciary concerning the bill:

HOUSE OF REPRESENTATIVES,
Washington, D.C., February 19, 1970.

HON. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reference to my letter to you of December 16, 1969, concerning the bill (H.R. 1695) for the relief of Alfredo Caprara, now pending in the Subcommittee on Immigration and Naturalization.

I am enclosing letters concerning this legislation which I have received from the Caprara family and from others associated with Mr. and Mrs. Dominic Caprara.

With every good wish,
Sincerely yours,

JOHN D. DINGELL,
Member of Congress.

FEBRUARY 10, 1970.

To Whom It May Concern:

I am writing this letter with hopeful anticipation that it will help hurry up the long ordeal we have been through to have our son, Alfredo, united with us, his family.

My other four boys are all very anxious to have their brother with them. Many times as they sit and converse about Alfredo, I hear them talk about how they wish he was with them and what they would do when he does come. They plan many ways they can help him and it would be gratifying for my wife and I to see the five boys united.

My wife, as any other mother would be, will not have peace of mind until she is able to have Alfredo with her and to care for him as she so much desires to do.

I am able to care and support him and I, like the rest of my family, will be overjoyed the day Alfredo is united with us.

Any help anybody can give us will be very much appreciated.

Sincerely,

DOMENIC CAPRARA.

DEARBORN, MICH., *December 29, 1969.*

MR. JOHN D. DINGELL,
*House of Representatives,
Washington, D.C.*

DEAR MR. DINGELL: This is to acknowledge receipt of your letter of December 16, 1969, concerning Alfredo Caprara.

Under the circumstances known to us, we are unable to add any further details as to the impact which the above would have on the other Caprara children in Dearborn. We must rely on Mrs. Caprara's statement that her children have been informed of the possible exposure to their brother; and, that they will be able to tolerate this sibling "stranger" without any harmful effects regarding their emotional development now or in the future.

Sincerely,

WINTHROP D. HALL, M.D.

ITALIAN-AMERICAN FRATERNAL CLUB,
Dearborn, Mich., January 27, 1970.

HON. JOHN D. DINGELL,
*U.S. Congressman,
Dearborn, Mich.*

DEAR SIR: With reference to Mr. Dominic Caprara, please be advised that I have been a good friend of his since the first week he came to this country from Argentina.

I know the complete family—Mr. and Mrs. Caprara and their children. We live in the same neighborhood, only one block apart, and associate with them as friends do.

Mr. and Mrs. Caprara are good parents to their children. Mr. Caprara has done a good job of supporting his family and both mother and father give the children the love and care of good parenthood. In other words, this is a home with love in it.

I feel that this home would be ideal for their son, Alfredo, and that they would give him the care he so deserves.

I would appreciate any help you can give regarding this family and to completely unite them as a family.

Sincerely yours,

CARMINE UNGARO, *President.*

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H.R. 1695) should be enacted.

